



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JOHN SCHEMITSCH
Senior Counsel
Phone: (212) 356-3539
Fax: (212) 356-3509
jschemit@law.nyc.gov

November 10, 2022

VIA ECF

Honorable Ona T. Wang
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Patricia Rodney v. City of New York, et al., 22-cv-1445 (LAK)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sgt. Henriquez, and Officer Clement. I write respectfully to request an extension of time, *nunc pro tunc*, for the defendants to identify the John Doe officers alleged to be in the precinct vestibule, until November 24, 2022; a two week extension of time to file defendants' reply to the motion to dismiss, from November 18, 2022 until December 2, 2022; and the Court's leave to file a memorandum in reply that is up to fifteen pages longer than the Court's ten page limit. These are the first such requests, which are made with consent of plaintiff.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging false arrest, excessive force, and denial of the right to a fair trial, *inter alia*, against the City of New York, Officer Clemente, Officer Hernandez, and various John Doe officers.

Following an initial conference held on October 13, 2022 in this matter, the Court ordered, *inter alia*, defendants to provide names of the John Doe officers alleged in the First Amended Complaint, who were present in the precinct vestibule at the time of the alleged incident. Defendants have investigated and identified a majority of these individuals and provided the names to plaintiff. Defendants require additional time for the limited purpose in order to identify the remaining individuals in order to provide these names to plaintiff.

Defendants further request a two week extension of time to file defendants' reply to the motion to dismiss, until December 2, 2022, as well as the Court's leave to file a memorandum in reply that is up to fifteen pages longer than the Court's ten page limit. While defendants have endeavored to meet this deadline, in light of other case commitments,

defendants request the extension of time to file their reply. In addition, given plaintiff's 46 page memorandum of law in opposition as well as LatinoJustice and the Officer of the Public Advocate's 22 page memorandum of law in opposition, defendants anticipate the need for additional pages in reply, and respectfully request the Court grant leave to file a memorandum in reply that is up to fifteen pages longer than the Court's ten page limit.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch
Senior Counsel

cc: **VIA ECF**
Gideon Oliver, Esq.
Remy Green, Esq.
Attorneys for Plaintiff

Application **GRANTED**. Defendants' deadline to identify the John Doe officers is extended to November 24, 2022. Defendants' reply to Plaintiff's opposition to the Motion to Dismiss is extended to December 2, 2022. Defendants' request to file a reply up to fifteen pages longer than the Court's ten page limit is **GRANTED**.

SO ORDERED.



Ona T. Wang
U.S.M.J.

11/14/22